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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,582	01/04/2001	Hiroyuki Matsushima	201510US2	2026
22850	7590	06/28/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			MOONEYHAM, JANICE A	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,582

Applicant(s)

MATSUSHIMA, HIROYUKI

Examiner

Janice A. Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005 and 10 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 28-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the applicant's communication filed on February 10, 2005 and April 11, 2005, wherein:

Claims 1-25 and 28-32 are currently pending;

Claims 1, 13, 28, 31 and 32 have been amended.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 10, 2005 has been entered.

Specification

3. A substitute specification was required. Although applicant states in the Remarks in applicant's response filed on February 10, 2005 that a substitute specification has been submitted, the Examiner is unable to locate the substitute specification. The Office may have inadvertently misplaced the specification. Therefore, a substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-25 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al (5,726,885) (hereinafter referred to as Klein) in view of Steinberg et al (6,750,902).

Referring to Claims 1 and 13:

Klein discloses a lending management system (hire vehicle transportation system) comprising:

a client terminal connected to a network (*Figure 1 User N; col. 3, lines 12-17 communication between the user and disposition center for purpose of reserving takes places via an information transmission channel, for example, via the telephone network; col. 4, lines 29-31 additionally, the user (N) can communicate with the disposition center (Z) via a telephone line including a modem*);

a server terminal (*disposition center*) connected to the network and configured to be connected to an device (*Figure 1 Disposition Center connected to F1 and F2, Figure 2 Disposition Center (Z)*);

wherein said client terminal is configured to transmit to the server terminal via the network information related to reservation of the device (*Figure 1 and col. 4, lines 32-45*

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via the telephone network link (1) to which computer (d) can be connected directly to the disposition center (Z), user (N) can reserve in advance; col. 7, lines 4-10 the user can reserve the desired vehicle in advance by contacting the disposition center (Z);

said server terminal configured to receive from the client terminal the information, determine if the reservation is permitted, register the information and transmit information to the client terminal indicating the registration of the reservation (col. 7, lines 4-15 *the disposition center checks the user authorization and the availability of possible vehicles for the desired journey. The user then selects the desired vehicle, being informed by the disposition computer about current and future planned availability*).

Klein does not disclose that the device is an information device or that the client terminal comprises an image transmission designating unit configured to transmit an input image data from an image captured by the information device.

However, Steinberg discloses an information device (*digital camera (12)*) and the client terminal comprises an image transmission designating unit configured to transmit an input image data from an image captured by the information device (*Figure 1 (10) col. 4, lines 53-54 receives image data and other information from camera (12); col. 1, lines 54-59 enables a user of a digital camera to send image data directly from the camera to a communication network for transmission and downloading to a remote network location or remote computer*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the digital camera and image transmission of Steinberg to the reservation system of Klein to provide for the rental of digital cameras and to secure the

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camera and data against unauthorized use and to allow only authorized users to operate the apparatus thus preventing theft of the camera.

Referring to Claims 2 and 14:

Klein discloses a server terminal comprising a user certification unit (disposition Center) configured to authenticate user in accordance with input information (*col. 5, lines 38-57 subscriber administration is carried out in disposition center (Z). Subscriber administration includes the administration of user identification numbers of authorized system users and the checking of the user authorization when a vehicle is hired*); and

a permission unit configured to check the input information provided with an access right by said user certification unit and permit lending of the device (*col. 5, lines 38-57 the disposition center (Z) tests this data and in case of an authorized use request, transmits back an enabling instruction*).

Referring to Claims 3 and 15:

Steinberg discloses a password (*col. 8, lines 35-41 requiring a user password avoids the possibility that an unauthorized person will alter data*).

Referring to Claims 4 and 16:

Steinberg a magnetic card reader configured to read a magnetic card in which an identity of the user is registered (*col. 2, lines 63-67 the device may also have a Smart card socket into which a user can insert a card to input data, such as user and camera I.D., user authorization*).

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Referring to Claims 5 and 17:

Klein discloses an integrated circuit card reader configured to read an integrated circuit card in which an identity of the user is registered (*col. 3, lines 21-29 a chip card which is coded for a specific vehicle and serves as access authorization for the selected vehicle; col. 4, lines 23-29 when he is present at the collection and return point (Hi), the user (N) can establish a communication link (3) with the automatic collection and return machine (HA) by means of a user identification card which identifies him as an authorized user of the system, and which can be inserted into a corresponding card reader on the automatic collection and return machine (HA).*

Referring to Claims 6 and 18:

Steinberg discloses fingerprint input unit configured to receive an input fingerprint of the user (*col. 2, line 67 thru col. 3, line 5 can be programmed to perform fingerprinting procedures*).

Referring to Claims 7 and 19:

Klein discloses server terminal is configured to transmit a lock release signal to activate and deactivate a lock switching unit configured to permit and prevent operation of the device (*col. 3, lines 35-40 the invention offers increased protection from unauthorized use in that the maximum duration of a hire period is stored on the chip card and is called up on the vehicle side by a locking control unit. When the period of use is exceeded, the locking control unit prevents the vehicle from being opened again, col. 5, lines 18-23 the vehicle/disposition center communication link (6) can be bidirectional in order to disable a vehicle reported as stolen by setting the immobilizer*

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under remote control from the disposition center (Z) after the ignition has been switched off).

Referring to Claims 8 and 20:

Neither Klein nor Steinberg disclose the server terminal is configured to input said input image data in accordance with the image transmission method after returning said device.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the reservation and camera/image transmission system of Klein and Steinberg a server terminal configured to input the image data only after return of the device so as to encourage the return of the camera.

Referring to Claim 32:

Steinberg discloses a WWW server function (col. 12, lines 36-39 *distribute selected data items to other remote locations, such as the web; Figure 16 (5) place image data on the web*).

Referring to Claims 9 and 21:

The image transmission designating unit is configured to transmit the input image data by electronic mail (col. 12, lines 36-39; Figure 16 (6) *send data by e-mail with low resolution of image*).

Referring to Claims 10-11 and 22-23:

Steinberg discloses the device receiving image data and other information data from a camera and securing the data and structuring it according to the required

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protocol (col. 4, lines 50-60) and Steinberg identifies network protocols as TCP/IP in Figure 7 under Device to Network Protocols.

Steinberg does not explicitly disclose transmitting by a file transfer protocol method or a file transfer method.

The Microsoft Computer Dictionary states that FTP is a fast application-level protocol widely used for copying files to and from remote computers systems on a network using TCP/IP such as the Internet and that file transfer is the process of moving or transmitting a file from one location to another.

Therefore, it would have been obvious to one of ordinary skill in the art to combine file transfer and FTP into the disclosure of Steinberg since Steinberg is sending image data from a camera over a communication network and downloading it to remote network locations or computers and this allows this process to be carried out over the Internet.

Referring to Claims 12 and 24:

Steinberg discloses a printing unit (col. 3, lines 23-27 network printers, col. 4, lines 10-15 and lines 53-60 *sends the data through the network for transmission to a destination device such as a computer, **printer**, serve, Figure 16 (2) Decrypt data and print image*).

Referring to Claim 25:

Steinberg discloses a system configured to store the input image data in the server (col. 4, lines 54-60 *then sends the data through the network for transmission to a destination device, such as a computer, printer, **server**, phone switch*).

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Referring to Claims 28 and 31:

Klein disclose a lending (reservation) management method and a computer readable medium for reserving lending of an device (vehicle) with a reservation, comprising:

authenticating a user (col. 7, lines 4-12 *the disposition center (Z) checks the user authorization*);

confirming that the reservation is available with respect to the device (col. 7, lines 10-12 *the disposition center (Z) checks the availability of possible vehicles*);

confirming an identity of the user who registers the reservation (col. 4, lines 32-45 *the user (N) can reserve in advance a desired vehicle or a desired type. Such reservation made, a chip card associated with the selected vehicle is issued after the user (N) making the reservation has proved his identity*);

releasing a lock of the device (col. 4, lines 50-55 *by inserting the chip card into the card reader, the vehicle is opened and an existing immobilizer is disarmed, i.e., the ignition is enabled*).

Klein does not disclose an information device or designating a method for transmitting an image captured by the information device after the information device is reconnected to a network used in the lending reservation method.

However, Steinberg discloses an information device (digital camera (12)) and a method for transmitting an image captured by the device after the device is connected to a network (col. 1, lines 54-59 *an apparatus to server as an interface fro enabling a*

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user of a video digital camera to send image data directly from the camera to a communication network for transmission).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the digital camera and image transmission of Steinberg to the reservation system of Klein to allow for rental of cameras, to secure the camera and data against unauthorized use and to allow only authorized users to operate the apparatus, thus preventing theft of the camera.

Referring to Claim 29:

Steinberg discloses transmitting the image in accordance with an image transmission method (col. 4, lines 50-60 *the device sends the data through the network for transmission*).

Referring to Claim 30:

Steinberg discloses image being transmitted by one of electronic mail, a file transfer protocol method, a file transfer method, a printer output or storing the image in the server (col. 4, lines 50-60 *the device sends the data through the network for transmission to a destination device such as a computer, printer, server; Figure 16 (6) send data by e-mail*).

Response to Arguments

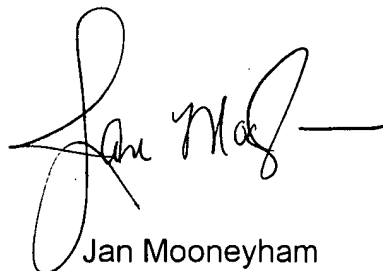
Applicant's arguments with respect to claim 1-25 and 28-32 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jan Mooneyham", with a horizontal line extending to the right.

Jan Mooneyham
Patent Examiner
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